

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: FEB 11 2008

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re

DANA CORPORATION, et al.,

Debtors.

PARKER HANNIFIN CORPORATION,

Appellant,

v.

DANA CORPORATION, et al.,

Appellees.

Chapter 11, Bankruptcy Case

Case No. 06-10354 (BRL)

(Jointly Administered)

Appeal No. 07-CV-5660 (PAC)

JOINT VOLUNTARY DISMISSAL OF APPEAL

Pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2) and as set forth in the January 11, 2008 agreement between, among others, Appellant Parker Hannifin Corporation ("Parker") and Appellees Dana Corporation, *et al.* (collectively, "Dana"), the parties hereby agree to voluntarily dismiss the captioned appeal with prejudice, with each party to bear its own costs. The Clerk of Court is directed to close this case.

Dated: New York, New York
February 8, 2008

/s/ Martin Eisenberg

Martin Eisenberg (ME 0015)
THOMPSON HINE LLP
335 Madison Avenue, 12th Floor
New York, New York 10017
Telephone: 212-344-5680
Facsimile: 212-344-6101

-- and --

THOMPSON HINE LLP

Robert C. Folland
Sean A. Gordon
3900 Key Center, 127 Public Square
Cleveland, Ohio 44114-1291
Telephone: 216-566-5500
Facsimile: 216-566-5800

*Counsel for Appellant Parker Hannifin
Corporation*

/s/ Beth Levine

Beth Levine (BL 6715)
**PACHULSKI STANG ZIEHL &
JONES LLP**
780 Third Avenue, 36th Floor
New York, NY 10017-2024
Telephone: 212-561-7700
Facsimile: 212-561-7777

*Counsel for Appellees Dana Corporation,
et al.*

SO ORDERED, FEB 11 2008



**HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE**



LAW OFFICES
LIMITED LIABILITY PARTNERSHIP
NEW YORK, NY
LOS ANGELES, CA
SAN FRANCISCO, CA
WILMINGTON, DE

780 THIRD AVENUE
36TH FLOOR
NEW YORK
NEW YORK 10017-2024
TELEPHONE 212/561 7700
FACSIMILE 212/561 7777

LOS ANGELES
10100 SANTA MONICA BLVD.
11TH FLOOR
LOS ANGELES
CALIFORNIA 90067-4100
TELEPHONE 310/277 6910
FACSIMILE 310/201 0760

SAN FRANCISCO
150 CALIFORNIA STREET
15TH FLOOR
SAN FRANCISCO
CALIFORNIA 94111-4500
TELEPHONE 415/263 7000
FACSIMILE 415/263 7010

DELAWARE
919 NORTH MARKET STREET
17TH FLOOR
PO BOX 8705
WILMINGTON
DELAWARE 19801-9705
(Courier Zip Code 19801)
TELEPHONE 302/652 4100
FACSIMILE 302/652 4400

WEB: www.pszjlaw.com

Beth E. Levine

January 17, 2008

blevine@pszjlaw.com
212.561.7720

VIA TELECOPIER

The Honorable Paul A. Crotty,
United States District Judge
Southern District of New York
500 Pearl Street
Room 735
New York, New York 1007

**Re: Parker-Hannifin Corporation v. Dana
Corporation, Case No. 07 Civ. 5660 (PAC)**

Dear Judge Crotty:

This firm is counsel to Dana Corporation ("Dana"), the appellee in the above-captioned appeal that is currently pending before Your Honor of an Order of the Honorable Burton R. Lifland, United States Bankruptcy Judge, Valuing Reclamation Claims Filed In the Debtors' Chapter 11 Cases at Zero (the "Reclamation Order"). We write to apprise the Court of certain developments in connection with this appeal.

As the Court is aware, there were several other appeals of the Reclamation Order pending before your Honor, all of which were withdrawn pursuant to settlement agreements among the parties. The parties to the above-captioned appeal have also reached a settlement of various issues, including the appeal of the Reclamation Order. Today, Dana filed a notice of the settlement in the Bankruptcy Court. The deadline for objections to the settlement is January 31, 2008, and if no objections to the settlement are filed by that date, the settlement will be deemed approved by the Bankruptcy Court. Pursuant to the parties' settlement agreement, once the settlement is approved by the Bankruptcy Court, appellant will withdraw the appeal pending in this Court.

DOCS_NY:14459.1

PACHULSKI

STANG

E

ZIEHL

JONES

LAW OFFICES
LIMITED LIABILITY PARTNERSHIP

The Honorable Paul A Crotty,
January 17, 2008
Page 2

Please do not hesitate to contact the undersigned with any
questions.

Respectfully submitted,



Beth E. Levine

BEL:kgb

cc: Robert J. Feinstein, Esq.
James M. Sullivan, Esq. (by telecopier)
Sean Gordon, Esq. (by telecopier)